

MAR 06 2019

MEMORANDUM

SUBJECT: Amendment to the Trust Agreement for the Solutia J.F. Queeny Site
St. Louis, Missouri
EPA ID # MOD004954111

FROM: Bruce A. Morrison, Project Manager
RCRA Corrective Action and Permits Section
Waste Remediation and Permitting Branch
Air and Waste Management Division

THRU: Don Lininger, Chief
Waste Remediation and Permitting Branch
Air and Waste Management Division

Mark A. Smith, Director
Air and Waste Management Division

TO: James B. Gulliford, Regional Administrator

Attached for your signature is an amendment to a Trust Agreement between SWH Investments II, LLC and Environmental Operations, Inc. (Grantor) and U.M.B. Bank (Trustee). The purpose of the amendment is to reduce the amount of trust funds required by the Trust Agreement from \$500,000 to \$150,463.

In accordance with Administrative Order on Consent (Docket No. RCRA-07-2009-0015) entered into by SWH Investments II, LLC, Environmental Operations, Inc. and the U.S. Environmental Protection Agency, financial assurance for corrective action was established by said parties entering into a Trust Agreement for \$500,000 on March 2, 2016. At the time the AOC and the Trust Agreement were entered, the cost of the final corrective measures remedy was not known. On April 30, 2018, the EPA selected a final corrective measures remedy for the site. Subsequently, Environmental Operations, Inc. provided a cost estimate for the implementation of the selected final remedy that totaled \$150,463 and requested that the EPA approve a reduction in the Trust Agreement funds based on the cost estimate.

I have reviewed the cost estimate to implement the final remedy at the Solutia, J.F. Queeny Site and concur with its assumptions and conclusions. I recommend that you sign below to amend the Trust Agreement to reduce the required financial assurance from \$500,000 to \$150,463.

Approved

Date

Attachment

RCRA 3/6/2019



581872

BT: H:\AWMD\WRAP\2019 Correspondence\Morrison\Solutia trust amendment memo.docx

CONCURRENCES							
SYMBOL	WRAP	RCAP SC	CNSL	CNSL	WRAP	AWMD	AWMD
NAME	Morrison	Roberts	Salisbury	Hoefer	Lininger	John Smith	Mark A. Smith
INITIALS/DATE	BM 2-12-19	BR 2-13-19	SS 2-20-19	DA 2-21-19	DL 2-21-19	JS 2-21-19	MS 2-22-19

ANKASTEL
02/13/19

2/21/19

02/21/2019 2/21/19

2/22/19



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

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OFFICE OF THE
REGIONAL ADMINISTRATOR

MEMORANDUM

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St. Louis, Missouri
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RCRA Corrective Action and Permits Section
Waste Remediation and Permitting Branch
Air and Waste Management Division

THRU: Don Lininger, Chief *Don Lininger* **FOR DLL**
Waste Remediation and Permitting Branch
Air and Waste Management Division

Mark A. Smith, Director *MS* 2-22-19
Air and Waste Management Division

TO: James B. Gulliford, Regional Administrator

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I have reviewed the cost estimate to implement the final remedy at the Solutia, J.F. Queeny Site and concur with its assumptions and conclusions. I recommend that you sign below to amend the Trust Agreement to reduce the required financial assurance from \$500,000 to \$150,463.

James B. Gulliford
Approved

3/5/19
Date

Attachment

First Amendment to Trust Agreement

This **First Amendment to Trust Agreement** is entered into as of _____, 2019 by and between SWH Investments II, LLC and Environmental Operations, Inc. as "Grantor" and U.M.B. Bank, N.A. as "Trustee"

Whereas, on or about March 2, 2016, Grantor and Trustee entered into that certain Trust Agreement ("Trust Agreement") regarding a certain Administrative Order of Consent relating to the former Monsanto/Solutia Queeny site located in the City of St. Louis.

Whereas, Section 16 of the Trust Agreement provides that the Trust Agreement "may be amended by an instrument in writing executed by the Grantors (SWH Investments II and Environmental Operations, Inc.) and the Trustee and the Regional Administrator."

Whereas, In accordance with that certain correspondence from the United States Environmental Protection Agency ("EPA") dated January 29, 2019, EPA has approved a reduction in the financial assurance amount for corrective measures from \$500,000.00 to \$150,463.00.

NOW, THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, it is hereby agreed as follows the Trust Agreement is amended as follows:

1. The amount of "\$500,000.00" in Section 3 shall read "\$150,463.00".

[Remainder of Page Intentionally Left Blank. Signature page(s) follow.]

**COUNTERPART SIGNATURE PAGE TO
FIRST AMENDMENT TO TRUST AGREEMENT**

IN WITNESS WHEREOF, the parties have executed this First Amendment to Trust Agreement as of the Effective Date.

Grantor:

SWH Investments II, LLC, a Missouri limited liability company

By: 

Name: Stacy W. Hastic

Title: Manager

Environmental Operations, Inc., a Missouri corporation

By: 

Name: Stacy W. Hastic

Title: CEO

TRUSTEE:

UMB Bank, N.A.

By: 

Name: Brad Hounsell

Title: Vice President

**COUNTERPART SIGNATURE PAGE TO
FIRST AMENDMENT TO TRUST AGREEMENT**

INWITNESS WHEREOF, the parties have executed this First Amendment to Trust Agreement
as of the Effective Date.

Grantor:

SWH Investments II, LLC, a Missouri limited
liability company

By: _____

Name: Stacy W. Hastic

Title: Manager

Environmental Operations, Inc., a Missouri
corporation

By: _____

Name: Stacy W. Hastic

Title: CEO

TRUSTEE:

UMB Bank, N.A.

By: _____

Name: _____

Title: _____

With consent by:

Regional Administrator, Region 7 EPA

By: James B. Gulliford

Name: James B. Gulliford

Title: Regional Administrator